

KCC 4979.2
(K-C 19,378C)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Wael R. Joseph, et al. Art Unit 1615
Serial No. 10/659,862
Filed September 11, 2003
Confirmation No. 5051
For TISSUE PRODUCTS COMPRISING A MOISTURIZING AND LUBRICATING
COMPOSITION

July 17, 2006

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,
SIR:

RESPONSE TO RESTRICTION REQUIREMENT

This letter is in response to the Office action dated June 30, 2006 in which an election was required between the following groups of claims:

Group I: Claims 1-30 directed to tissue products comprising a tissue paper and a moisturizing and lubrication composition, the moisturizing and lubricating composition comprising from about 1% (by weight) to about 40% (by weight) of an emollient, from about 1% (by weight) to about 20% (by weight) of a humectant, from about 30% (by weight) to about 90% (by weight) of an immobilizing agent, and from about 1% (by weight) to about 40% (by weight) of a compatibilizing agent wherein no more than about 50% (by weight) of the components are liquid at room temperature and no less than about 50% of the components are solid at room temperature, and wherein at least about 85% (by weight) of the components of the moisturizing and

lubricating composition form a single phase at a temperature of from about 45°C to about 80°C (class 510, subclass 130); and

Group II: Claims 31-59 directed to tissue products comprising a tissue paper and a moisturizing and lubrication composition comprising from about 1% (by weight) to about 40% (by weight) of a silicone, from about 1% (by weight) to about 20% (by weight) of a humectant, from about 30% (by weight) to about 90% (by weight) an immobilizing agent, from about 1% (by weight) to about 40% (by weight) of a compatibilizing agent and a dispersing agent wherein no more than about 50% (by weight) of the components are liquid at room temperature and no less than about 50% of the components are solid at room temperature, and wherein at least about 85% (by weight) of the components of the moisturizing and lubricating composition form a single phase at a temperature of from about 45°C to about 80°C (class 510, subclass 130).

Reconsideration of the restriction requirement is respectfully requested. According to 35 U.S.C. §121, a restriction is proper only if there are at least two independent and distinct inventions. Furthermore, "[i]f the search and examination of an entire application can be made **without serious burden**, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."¹

In this case, restriction is not proper. The claims of Group II have elements in common with the claims of Group I, i.e., a tissue product comprising a tissue paper and a

¹ MPEP §803 (emphasis added).

moisturizing and lubrication composition comprising from about 1% (by weight) to about 40% (by weight) of an emollient,¹ from about 1% (by weight) to about 20% (by weight) of a humectant, from about 30% (by weight) to about 90% (by weight) of an immobilizing agent, and from about 1% (by weight) to about 40% (by weight) of a compatibilizing agent wherein no more than about 50% (by weight) of the components are liquid at room temperature and no less than about 50% of the components are solid at room temperature, and wherein at least about 85% (by weight) of the components of the moisturizing and lubricating composition form a single phase at a temperature of from about 45°C to about 80°C. Any search of the prior art and examination involving Group I claims therefore, will substantially co-extend with the search and examination of Group II claims. Furthermore, both Group I and Group II claims have been classified in class 510, subclass 130. Thus, Group I and Group II claims may be searched and examined together without undue burden in accordance with MPEP §803.

Additionally, the Office has stated that the claims of Group I are drawn to a tissue product lacking a dispersing agent, while the claims of Group II are directed to a tissue product containing a dispersing agent. Applicants note that the claims of Group I do not specifically exclude a dispersing agent. For example, claim 1 is generic to tissue products that comprise a moisturizing and lubricating composition that

¹ Applicants note that claim 31 specifies that the composition comprises from about 1% (by weight) to about 40% (by weight) of a silicone. However, as stated in ¶38 of the Specification, silicone is an example of an emollient.

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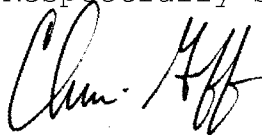
comprises a dispersing agent, and tissue products that comprise a moisturizing and lubricating composition that do not comprise a dispersing agent. Furthermore, claims 13 and 14 of Group I specifically require the moisturizing and lubricating composition to further comprise a dispersing agent.

Subject to the foregoing traverse, the claims of Group I (claims 1-30) are elected for examination in this application.

Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims.

The Commissioner is hereby authorized to charge any government fees which may be required to Deposit Account No. 19-1345.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Chris. Goff", written over the typed name.

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By EFS